

REMARKS

Claims 29-94 are pending in this application.

Claims 107-122 have been added to more particularly point out and distinctly claim the invention. No new subject matter has been added and the new claims are fully supported and justified by the specification.

Claims 29-94 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over LaJoie et al. U.S. Patent No. 5,850,218 (hereinafter "LaJoie") in view of Wugofski et al. U.S. Patent Application Publication 2002/0108110 A1 (hereinafter "Wugofski").

The Examiner's rejections are respectfully traversed.

Applicant's Reply to the  
Examiner's Rejections

Independent Claim 29

Independent claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Wugofski. The Examiner's rejection is respectfully traversed.

Applicant's invention, as defined by independent claim 29, is directed towards an interactive program guide that provides access to content from a plurality of available media types. The interactive television program

guide provides means for designating at least one channel as a favorite channel and for designating at least one of the available media types as a preferred media type for a current viewing session. The designation of the at least one of the available media types is independent from the designation of the at least one favorite channels. The interactive program guide provides the user with the ability to select at least one favorite channel from each of the preferred media types.

In rejecting independent claim 29, the Examiner contends that LaJoie, in connection with FIG. 5 and its corresponding description, discloses designating at least one of the available media types as a preferred media type and providing a user with the ability to select at least one favorite channel from each preferred media type. Contrary to the Examiner's contention, FIG. 5 merely refers to "a series of channel look-up tables" that are used by a set-top terminal to identify the service associated with a channel, for example, by "identifying the channel number in a channel table 101." (column 16, lines 11-16). In response to a user selecting a channel number, the set-top terminal "identif[ies] a specific service associated with the channel through a pointer" and displays the channel to the user from that source. Nowhere in LaJoie is it shown

or suggested that the user may use the look-up tables of FIG. 5 to designate a preferred media type. Therefore, LaJoie fails to show or suggest allowing a user to designate a preferred media type independently from designating a favorite channel as required by independent claim 29.

While the Examiner acknowledges the novelty of applicant's approaches over LaJoie in stating that LaJoie does not disclose an interactive program guide that "designat[es] at least one of the available media types as a preferred media type for a current viewing session" as set forth in claim 29 (Office Action, page 3; emphasis in original), the Examiner contends that Wugofski discloses a system in FIG. 5 that "allows a user/viewer to customize favorite channels by inserting or deleting different programs or channels according to different sources of media" thereby allowing a user to selected their own preferred media type (Office Action, page 3). Thus, the Examiner concludes that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Wugofski's system to create applicant's approach as set forth in claim 29 (Office Action, page 4).

Irrespective to the Examiner's contention, Wugofski completely fails to show or suggest designating a preferred media type for the current viewing session independently from designating a favorite channel. Wugofski, in relation to FIG. 5, merely refers to designation of favorite channels by a user. A "currently active favorite list" is provided to which the user may add or delete channels (Wugofski, page 3, paragraph [0033]). The channels that the user may add to the currently active favorite list may include any number of available channels that are associated with any number of available media types. The system of Wugofski does not in any manner provide the user with the ability to designate a proffered media type independently from designating a favorite channel in order to limit the selection of favorite channels to only those channels of the preferred media type.

Accordingly, whether taken alone or in combination, LaJoie and Wugofski fail to disclose or suggest applicant's invention as set forth in claim 29.

Furthermore, applicant respectfully submits that the Examiner has failed to point out the requisite motivation necessary to present a rejection of claim 29

under 35 U.S.C. § 103(a). The Examiner contends that she has done so by stating:

it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify LaJoie's interactive program guide with Wugofski's teaching technique of allowing users to customize their favorite channels for a current view session besides a default setting as an enhanced feature in a convergence system to allow the customized interaction from the user for the purpose of providing flexible and favorite channels/programs independently, and preferred media sources can be automatically and dynamically delivered to users without interruption by "surfing" through channels and programs as suggested by Wugofski

(Office Action, page 4). However, the Examiner has failed to fulfill the requirement of presenting an "obvious teaching . . . or . . . knowledge generally available to one of ordinary skill in the art that would lead that individual to combine the relevant teachings of the references," In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). In order to establish a *prima facie* case of obviousness based on a combination of references, there must be "some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art" (MPEP § 2143.01).

Applicant respectfully submits that the Examiner is merely making a broad conclusory statement, and fails to point to any objective teaching by either LaJoie or

Wugofski that would lead one of ordinary skill in the art to combine the references. Such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000).

Instead of providing an objective teaching of a motivation to combine LaJoie with Wugofski, the Examiner merely concludes that it would have been obvious to combine LaJoie with Wugofski "to allow the customized interaction from the user for the purpose of providing flexible and favorite channels/program independently" (Office Action, page 4). This assertion, however, fails to point to any objective teaching that would lead one of ordinary skill in the art to combine the references.

Accordingly, for at least the above reasons, claim 29 is allowable over LaJoie in view of Wugofski. Claims 30-36 and 77 depend from claim 29 and are allowable at least because claim 29 is allowable.

Independent Claims 37, 45, 53, 61, 69

Independent claims 37, 45, 53, 61, and 69 contain one or more features that are similar to the features of

method claim 29 including at least the features of (a) designating at least one channel as a favorite channel based on user selections, (b) designating at least one of the available media types as a preferred media type for a current viewing session independently from designating a favorite channel, and (c) providing a user with the ability to select at least one favorite channel from each of the preferred media types. Thus, independent claims 37, 45, 53, 61, and 69 are allowable at least for the same reasons that claim 29 is allowable. Accordingly, applicant requests that the rejections of independent claims 37, 45, 53, 61, and 69 be withdrawn.

#### Independent Claims 83 and 91

Independent claims 83 and 91 are rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Wugofski. The Examiner's rejection is respectfully traversed.

Independent claims 83 and 91 are directed to a method and a system for providing program information for constrained favorite channels in an interactive program guide that provides a plurality of channels of a plurality of media types. The media types include at least two media types from the group consisting of television, video on

demand, music, games, and data. The interactive program guide allows a user to select a plurality of favorite channels including channels of a first media type and a second media type. The interactive program guide displays program information for the selected favorite channels to the user upon request. When a preferred media type has not been designated by the user, the interactive program guide displays program information for all selected favorite channels. When a preferred media type has been designated by the user, the interactive television program guide displays only program information for favorite channels of the preferred media type.

The Examiner contends that claims 83 and 91 are similar in scope to claims 29-44 and are rejected for the same reasons. Applicant respectfully submits that the reasons used by the Examiner in rejecting claims 29-44 do not apply to independent claims 83 and 91. Applicant also respectfully submits that the Examiner has made no reference to LaJoie in the rejection of independent claims 83 and 91. Thus, applicant finds it difficult to determine exactly what rejections are being made in addition to the rejection based on the Wugofski reference. Accordingly, applicant assumes that the Examiner's rejection is solely based on Wugofski.



The Examiner contends that in Wugofski, when a preferred media type has not been designated, "all selected favorite channels are displayed (as in default setting)" (Office Action, page 11). The Examiner also contends that Wugofski shows displaying only "the favorite and selected programs/channels to users for different programs or channels from different analog and digital sources" when a preferred media type has been designated (Office Action, page 11).

Applicant submits that Wugofski fails to show or suggest providing a plurality of channels of at least two media types from the group consisting of television, video on demand, music, games, and data as required by claims 83 and 91. Wugofski at least fails to show or suggest providing video on demand as one of the media types.

Moreover, applicant submits that one of the benefit of applicant's invention is the ability to allow the user to designate a preferred media type in order to, for example, constraining the display of program information for favorite channels to only program information for those favorite channels of the designated media type. Wugofski fails to show or suggest this feature. As described above, Wugofski merely allows the user to add or delete channels in a "currently active

favorite list" (Wugofski, page 3, paragraph [0033]). The channels that the user may add to the currently active favorite list may include any number of available channels that are associated with any number of available media types. Nowhere in Wugofski is it shown or suggested that the user may designate a preferred media type or any other criteria with which to constrain the display of program information to only program information associated with a subset of those favorite channels in the currently active favorite list.

Accordingly, at least because of the reasons set forth above, independent claims 83 and 91 are allowable over Wugofski.

#### Independent Claim 87

Independent claim 87 was rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over LaJoie in view of Wugofski. The Examiner's rejection is respectfully traversed.

Independent claim 87 is directed to a method for providing access to content from constrained favorite channels in an interactive program guide that provides a plurality of channels of a plurality of media types. The media types include at least two media types from the group

consisting of television, video on demand, music, games, and data. The interactive program guide allows a user to select a plurality of favorite channels including channels of a first and second media types. The interactive program guide displays a single favorite channel listing comprising a plurality of selected favorite channels and allows the user to select a favorite channel from the single favorite channel listing for display. When a preferred media type has not been designated by the user, the interactive program guide displays a single favorite channel listing comprising all selected favorite channels. When a preferred media type has been designated by the user, the interactive program guide displays a single favorite channel listing comprising only of the selected favorite channels of the preferred media type.

Independent claim 87 contains one or more features that are similar to the features of independent claims 83 and 91 including, for example, (a) allowing a user to select a plurality of favorite channels where the selected favorite channels include channels of a first media type and a second media type, (b) displaying information for all the favorite channels when no preferred media type has been designated by the user, and (c) displaying only information for the favorite channels that

are of a preferred media type when a preferred media type has been designated by the user. Thus, independent claim 87 is allowable at least for the same reasons that claims 83 and 91 are allowable. Accordingly, applicant requests that the rejection of independent claim 87 be withdrawn.

Dependent Claims 38-44, 46-52, 54-60, 62-68, 70-76,  
and 78, 79, 80, 81, 82, 84-86, 88-90, and 92-94

Claims 38-44, 46-52, 54-60, 62-68, 70-76, and 78, 79, 80, 81, and 82 depend from claims 37, 45, 53, 61, and 69, respectively, and are allowable at least because claims 37, 45, 53, 61, and 69 are allowable. Claims 84-86, 88-90, and 92-94 depend from claims 83, 87, and 91, respectively, and are allowable at least because claims 83, 87, and 91 are allowable.

Dependent Claims 34, 42, 50, 58, 66, and 74

Applicant respectfully submits that dependent claims 34, 42, 50, 58, 66, and 74 are additionally allowable over the combination of LaJoie and Wugofski for at least the following reasons.

Dependent claims 34, 42, 50, 58, 66, and 74 further require designating at least one of the available media types that is associated with a current channel as a

preferred media type for a current viewing session independently from designating a favorite channel.

The Examiner contends that LaJoie, at column 16, lines 29-51, discloses that description information or logo can be displayed to the user for a current channel as means for designating at least one of the available media types as a preferred media type. The Examiner further contends that Wugofski, in relation to FIG. 5, discloses designating a favorite channel for a current viewing session by selecting from a variety of sources including video, audio, or even Internet (Office Action, page 5).

Applicant submits that neither LaJoie nor Wugofski shows or suggests designating at least one of the available media types that is associated with a current channel as a preferred media type for a current viewing session independently from designating a favorite channel. As the Examiner previously acknowledged, LaJoie does not disclose an interactive program guide that "designat[es] at least one of the available media types as a preferred media type for a current viewing session" (Office Action, page 3; emphasis in original). LaJoie merely refers to using a channel look up table to identify the source associated with a channel. Once the service is determined by the system of LaJoie, the system refers to a service table to

obtain "information . . . which can be used to identify the channel, such as call sign, logo, etc." for display (column 16, lines 46-51). Nowhere in LaJoie is it shown or suggested that descriptive information or logo are displayed to the user as means for designating a media type associated with a current channel as a preferred media type for a current viewing session independently from designating a favorite channel as suggested by the Examiner.

Wugofski, as previously discussed, merely refers to designation of favorite channels by a user. A "currently active favorite list" is provided to which the user may add or delete channels (Wugofski, page 3, paragraph [0033]). Thus, Wugofski fails to disclose or suggest designating a media type as a preferred media type for a current viewing session independently from designating a favorite channel. Moreover, because Wugofski provides a list format, as shown in FIG. 5, to allow the user to add and delete channels in a currently active favorite list, Wugofski also fails to show or suggest designating a media type associated with a current channel as a preferred media type for a current viewing session independently from designating a favorite channel.

Accordingly, because neither LaJoie nor Wugofski shows or suggests features of applicant's dependent claims 34, 42, 50, 58, 66, and 74, claims 34, 42, 50, 58, 66, and 74 are additionally allowable over the combination of LaJoie and Wugofski.

#### New Claims

New claims 107-122 are directed towards machine-readable media claims and contain one or more features similar to the features of method claims 45-60 and are allowable at least because claims 45-60 are allowable.

Conclusion

The foregoing demonstrates that this application is in condition for allowance. Accordingly, reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Alex Shvarts', written over a horizontal line.

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